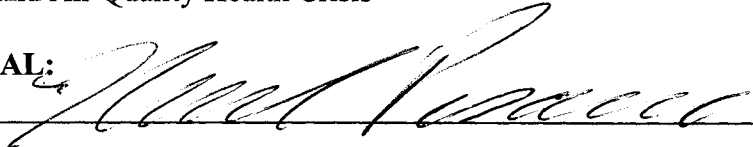


REPORT

DATE: May 3, 2007
TO: Regional Council
FROM: Energy and Environment Committee
BY: Jonathan Nadler, Program Manager, (213) 236-1884, nadler@scag.ca.gov
SUBJECT: 2007 South Coast AQMP and Air Quality Health Crisis

EXECUTIVE DIRECTOR'S APPROVAL:



RECOMMENDED ACTION:

Adopt Resolution #07-487-2 approving Appendix IV-C of the 2007 South Coast Air Quality Management Plan (AQMP) and urging the declaration of a state and federal emergency to address the Air Quality Health Crisis.

BACKGROUND:

2007 South Coast AQMP

Pursuant to the federal Clean Air Act, the State Implementation Plan (SIP) demonstrating attainment with the 8-hour ozone standard is due to the U.S. Environmental Protection Agency (EPA) by June 15, 2007. The SIP demonstrating attainment with the PM_{2.5} standard is due to U.S. EPA by April 5, 2008. The 2007 South Coast AQMP is being prepared by the three responsible agencies (the South Coast Air Quality Management District (SCAQMD), the California Air Resources Board (CARB), and SCAG.

Pursuant to Section 40460(b) of the California Health and Safety Code, SCAG's is responsible for preparing and approving those portions of the 2007 AQMP for the South Coast Air Basin which relate to regional demographic projections and integrated regional land use, housing, employment, and transportation programs, measures, and strategies. SCAG's portion of the 2007 AQMP (i.e., Appendix IV-C) is based on the overall transportation strategy set forth in the adopted 2004 Regional Transportation Plan, including transportation control measures (TCMs). Appendix IV-C also includes estimates of emission resulting from the transportation strategy and an analysis of reasonably available control measures.

As part of the AQMP development process, SCAG also provides transportation demand model output data to the SCAQMD for use in photochemical air quality modeling and vehicle activity data to CARB for use in developing on-road emission factors. SCAG has provided these data to the respective agencies. These data are also used to set the allowable emission budgets for on-road mobile sources. Each time the RTP or RTIP is prepared or amended, regional emissions analyses must be performed to ensure the plans or amendments conform to the applicable emission budgets.

REPORT

Goods Movement Control Measure

Appendix IV-C includes a proposed goods movement control measure, which envisions regional movement systems based on the introduction of a high speed, high performance, environmentally sensitive regional transport system (HSRT), in combination with truck-only lanes, to move both cargo and people throughout the region. Relative to goods movement, an HSRT system can provide greater throughput and reliability with near-zero emissions. Because of the complexity of the issues and the numerous on-going and planned efforts of the goods movement stakeholders, this control measure will continue to be further refined, including as part of the 2007/8 RTP. The goods movement strategy developed for the RTP could then become the basis for a SIP amendment which incorporates applicable emission reduction strategies.

PM2.5 Attainment Issue

At the time of preparation of this report, there exists a disagreement between SCAQMD and CARB regarding the PM2.5 portion of the air plan. While submittal to U.S. EPA of the PM2.5 SIP is not required until April 2008, SCAQMD believes that the most efficient path to clean air is an integrated PM2.5 and ozone plan, and plans to submit an integrated plan to CARB to meet the June 2007 ozone SIP deadline. SCAQMD believes that achieving the PM2.5 standard requires an immediate commitment of resources for rule development, public and private funding, and technology deployment. In an effort to achieve the PM2.5 standard, SCAQMD staff proposed for CARB's consideration a number of complementary or revised mobile source control measures that are more aggressive than those proposed by CARB. CARB considers the technical challenges of developing a credible PM2.5 attainment strategy as requiring additional time, and currently plans to take the time allowed by law to prepare and submit the PM2.5 plan.

SCAG supports the SCAQMD in their effort to ensure that CARB vigorously pursue all available options to achieve attainment of the PM2.5 standard by 2015. A Regional Council/Governing Board level study session to consider policies and actions to address the issues associated with the 2007 South Coast AQMP is scheduled for April 30, 2007. The results of that meeting will be discussed at the May 3, 2007, Regional Council meeting.

Approval of SCAG's portion of the 2007 AQMP is independent of the submittal date of the PM2.5 SIP. The EEC took action on April 5, 2007 to recommend that the Regional Council approve Appendix IV-C of the Draft 2007 AQMP.

Air Quality Health Crisis

As part of the EEC's consideration of SCAG's portion of the 2007 AQMP on April 5, 2007, the Committee recognized the severity of PM2.5 emissions in Southern California and the associated health impacts, and sought that actions be developed for immediate and thoughtful intervention. As directed by the EEC, staff has gathered additional comments on the region's air quality crisis from the Water Policy Task Force, Solid Waste Task Force and Energy Working Group. Staff has also refined Appendix IV-C to include preliminary emissions reduction data related to SCAG's goods movement control measure. Lastly, staff has outlined a call for action to immediately address this air quality health crisis.

REPORT

Specifically, this call for action, as further described in the attached resolution, includes:

- SCAG to convene a summit with Congressional and legislative representatives, government agencies and community stakeholders to engage political actions to address the emergency;
- SCAG to take all necessary actions to urge the Governor and the President to declare the situation a state and national emergency;
- SCAG to pursue all actions for implementation of alternative clean freight movement system;
- SCAG to develop a joint letter with other agencies and stakeholders that seeks federal and state engagement to implement emergency provisions;
- SCAG to prepare and advocate for legislation at the state and federal levels that address the crisis;
- SCAG to develop a public awareness and media campaign regarding the crisis; and
- SCAG to develop a legal strategy to more effectively addressing this crisis under federal and state laws.

The health effects from particles less than 2.5 micrometers in diameter (PM2.5) include the aggravation of respiratory and cardiovascular disease, lung disease, decreased lung function, asthma attacks, and certain cardiovascular problems such as heart attacks and cardiac arrhythmia. A recent CARB assessment of the health effects of PM2.5 shows an extreme disproportionate exposure in the South Coast Air Basin relative to other parts of the state and to the rest of nation. This exposure translates on an annual basis to 5,400 premature deaths, 2,400 hospitalizations, 140,000 asthma and lower respiratory symptoms, and 980,000 lost work days. These impacts will be exacerbated as the demand for imported goods increases. Port-related sources, which were 24 percent of the regional diesel PM in 2002, are projected to contribute 32 percent in 2014 and increase to 49 percent of the regional PM in 2020.

The Ports of Los Angeles and Long Beach are the gateway of foreign goods to the country and serve and support the national economy. Over 40 percent of the U.S. container imports and 25 percent of the U.S. container exports pass through the region. The amount of goods moved through Southern California is projected to grow dramatically, with an expected 300 percent increase in cargo through the ports of Los Angeles and Long Beach by 2030. The national demand for imported goods concurrently results in significant, adverse, community health and safety impacts from movement of these goods through the South Coast region. While international trade and goods movement activities are key contributors to the region's and nation's economic vitality, air pollution from these activities is a major public health concern at both regional and community levels.

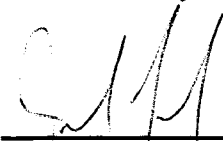
The Draft 2007 AQMP for the South Coast Air Basin identifies a shortfall of 74 tons per day NOx reductions (out of an overall NOx reduction target of 203 tons per day) to meet the federal PM2.5 standard by the 2015 Clean Air Act deadline. The emission sources of PM2.5 and its precursors are primarily goods movement and construction equipment. Consequently, if we do not develop a creditable emissions control plan that includes aggressive control of goods movement sources, we will continue this health crisis and prevent implementation of needed access capacity programs.

In conclusion, the existence of conditions resulting from the exposure to unacceptable levels of PM2.5 and the associated health impacts require emergency actions. Staff believes that these conditions warrant extraordinary actions be taken and therefore recommends that the Regional Council approve the attached resolution.

REPORT

Staff support for air quality planning and policy is covered under the Air Quality and Conformity staff work elements included in the current year overall work program (07-025.SCGS1 and 07-020.SCGS1).

Reviewed by:



Division Manager

Reviewed by:



Department Director

Reviewed by:



Chief Financial Officer

RESOLUTION No. 07-487-2

RESOLUTION OF THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS ADOPTING APPENDIX IV-C FOR INCLUSION IN THE 2007 SOUTH COAST AIR QUALITY MANAGEMENT PLAN AND URGING THE DECLARATION OF A STATE AND FEDERAL EMERGENCY TO ADDRESS THE AIR QUALITY HEALTH CRISIS

WHEREAS, Section 110(a) of the Federal Clean Air Act (42 U.S.C. §7410(a)) and federal regulations at 40 C.F.R. §52.220 et seq. require each state to adopt a plan known as the State Implementation Plan (SIP) for implementation, maintenance and enforcement of primary and secondary national ambient air quality standards in each air quality control region of the state;

WHEREAS, the South Coast Air Basin is designated as non-attainment for the national ambient air quality standards (NAAQS) for ozone and fine particulate matter (PM_{2.5}), and the SIPs demonstrating attainment with these standards are due to the U.S. Environmental Protection Agency (EPA) by June 2007 and April 2008, respectively;

WHEREAS, the 2007 South Coast Air Quality Management Plan (2007 AQMP) is being prepared to comply with these requirements, by three responsible agencies: the South Coast Air Quality Management District (SCAQMD), the California Air Resources Board (CARB), and the Southern California Association of Governments (SCAG);

WHEREAS, SCAG is responsible, pursuant to Section 40460(b) of the California Health and Safety Code, for preparing and approving, those portions of the 2007 AQMP for the South Coast Air Basin, which relate to regional demographic projections and integrated regional land use, housing, employment, and transportation programs, measures and strategies;

WHEREAS, SCAG is also required, pursuant to Section 40460(b) of the California Health and Safety Code, to analyze and provide emissions data related to its planning responsibilities;

WHEREAS, pursuant to this authority, SCAG prepared a "Regional Transportation Strategy and Control Measures" as it relates to air quality, to be included as Appendix IV-C to the 2007 AQMP, and attached herein as Exhibit A (hereinafter referred to as "Appendix IV-C");

WHEREAS, Appendix IV-C was developed in consultation with Federal, State and local transportation and air quality planning agencies and other stakeholders, including the four county transportation commissions in the South Coast Air Basin, namely, Los Angeles County Metropolitan Transportation Authority, the Riverside County Transportation Commission, the Orange County Transportation Authority and the San Bernardino Associated Governments;

WHEREAS, a draft of Appendix IV-C was distributed to SCAQMD and released for public review and comment on September 14, 2006 by SCAG's Energy and Environment Committee (EEC) as part of the release of the Draft 2007 AQMP. Public comments relating to Appendix IV-C have been responded to and incorporated into SCAQMD's response to comment document, and did not result in any substantive changes to the AQMP;

WHEREAS, international trade and goods movement activities through our ports are key contributors to the region's and the United States' economic vitality;

WHEREAS, the national demand for imported goods has resulted in significant, adverse, public health and safety impacts from the movement of these goods through Southern California;

WHEREAS, despite the best efforts of the CARB, SCAQMD and SCAG to meet the PM2.5 standard by the 2015 Clean Air Act deadline, the Draft 2007 AQMP for the South Coast Air Basin identifies a shortfall of 74 tons per day of NOx reductions (out of an overall NOx reduction target of 203 tons per day);

WHEREAS, because the Southern California region is the gateway of domestic and foreign goods, there exists an extreme disproportionate exposure to PM2.5 in the South Coast Air Basin relative to other parts of the state and to the rest of the nation, with the population-weighted exposure in the South Coast Air Basin above the PM2.5 national ambient air quality standard at 82% of the state-wide exposure, and 52% of the national exposure;

WHEREAS, a recent CARB assessment of the health effects of PM2.5 exposure made in January 2007 before the SCQAMD, identified that on an annual basis such exposure in the South Coast Air Basin translates to approximately 5,400 premature deaths, 2,400 hospitalizations, 140,000 asthma and lower respiratory symptoms, and 980,000 lost work days;

WHEREAS, the emission sources of PM2.5 and its precursors in the region are primarily goods movement activities from heavy duty diesel trucks and ocean going vessels, and off-road construction equipment;

WHEREAS, approximately 80 percent of the emissions associated with these pollutants are subject to state and federal control, not under local control;

WHEREAS, on April 5, 2007, SCAG's EEC reviewed Appendix IV-C. Upon its review, the EEC recommended approval of Appendix IV-C, and also determined that the severe conditions stemming from PM2.5 exposure require further actions be taken to address the situation immediately;

WHEREAS, based upon the direction from EEC, staff has refined Appendix IV-C to include preliminary emissions reduction data related to SCAG's goods movement control measure, and outlined specific actions to address the air quality health crisis brought on by PM2.5 exposure;

WHEREAS, SCAG is the designated Metropolitan Planning Organization (MPO) pursuant to 23 U.S.C. §134(d) for the Southern California counties of Los Angeles, Riverside, San Bernardino, Ventura, Orange, and Imperial;

WHEREAS, the severe conditions of the PM2.5 emissions in Southern California and the associated health impacts give rise to a state of emergency given the extreme peril placed upon the public's health, safety and welfare, requiring immediate action by all levels of governments; and

WHEREAS, emergency actions must be taken to secure significant emission reductions by the 2015 PM2.5 attainment date, including but not limited to, emission reductions from heavy-duty diesel trucks, ocean-going vessels, locomotives, and aircraft, to address these serious public health impacts.

NOW, THEREFORE, BE IT RESOLVED, by the Regional Council of the Southern California Association of Governments as follows:

1. The Regional Council hereby adopts and transmits to SCAQMD Appendix IV-C, attached hereto as Exhibit A, including related staff findings and incorporating all of the foregoing recitals.

BE IT FURTHER RESOLVED, by the Regional Council that:

1. The Regional Council recognizes that there is an air quality health emergency brought about by PM2.5 air pollution.

2. SCAG convenes a summit with Congressional and legislative representatives, governmental agencies and community stakeholders to engage political actions to address this emergency.

3. The Regional Council urges the Governor of the State of California and the President of the United States to declare the existing conditions related to PM2.5 exposure in the Southern California region a state and national emergency, and that the state and federal governments take immediate steps to rectify the emergency.

4. It is imperative that alternative clean systems be developed to move cargo from ports of entry through the region.

5. As part of its commitment to this air quality health crisis, the Regional Council directs SCAG staff to do the following:

- a. Take all necessary actions to have the air quality health crisis declared a state and national emergency;
- b. Prepare and advocate for legislation at the state and federal levels to immediately resolve this crisis, such as legislation which: delegates authority to SCAQMD to allow stricter enforcement of the Clean Air Act; mitigates health impacts of emissions related to ports and goods movement activities; controls emissions from ocean-going vessels;

provides innovative financing to fund high-capacity truck lanes and high speed/clean train technology; and permits regional airports to levy landing fees on aircraft emissions;

- c. Work with SCAQMD and CARB to vigorously pursue all available options to achieve the PM2.5 attainment standard;
- d. Develop a joint letter with other agencies and stakeholders that seeks federal and state engagement to implement emergency provisions;
- e. Develop a public awareness and media campaign regarding this air quality public health crisis;
- f. Develop a legal strategy to more effectively address this crisis under federal and state laws; and
- g. Pursue all actions for implementation of an alternative clean freight movement system.

6. The Executive Director is directed to prepare suitable copies of this resolution and distribute them to the Congressional and legislative representatives of the SCAG region, SCAG's advocates in Washington D.C. and Sacramento, as well as to the City Councils of the cities within the SCAG region along with a recommendation that each consider passage of resolutions that are similar in intent to this resolution.

APPROVED AND ADOPTED by the Regional Council of the Southern California Association of Governments at a regular meeting this 3rd day of May 2007.

Yvonne B. Burke
President
Supervisor, County of Los Angeles

Attested by:

Mark Pisano
Executive Director

Approved as to Form:

Joanna Africa
Interim Director of Legal Services